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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ADAM GREGG,

Plaintiff,

v.

**TEQUILA THURMAN, CARRIE
HUTCHISON, and JOHN COPIC,**

Defendants.

Case No. _____

NOTICE OF REMOVAL

Multnomah County Circuit Court
Case No. 23CV44189

DEMAND FOR JURY TRIAL

TO: THE CLERK OF THE ABOVE-ENTITLED COURT, as well as **PLAINTIFF ADAM GREGG**, and his attorney of record, **JESSE MERRITHEW** of Levi Merrithew Horst PC

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendants Tequila Thurman and Carrie Hutchison hereby remove to this United States District Court for the District of Oregon, Portland Division ("Federal Court") the state court case now pending in the Circuit Court of the State of Oregon for the County of Multnomah ("State Court"), known as *Adam Gregg v. Tequila Thurman, Carrie Hutchison, and John Copic*, MCCC Case No. 23CV44189 ("State Case"). This Notice of Removal is supported by the exhibits attached hereto and the statements made herein.

A. TIMELINESS OF REMOVAL

1. As demonstrated from the State Court's Register of Action ("ROA"), a true and

accurate copy of which is attached hereto and incorporated herein as Exhibit 1, Plaintiff Adam Gregg ("Plaintiff" or "Gregg") initiated the State Case with the State Court on October 25, 2023.

2. Defendant Hutchison was served with Plaintiff's Summons and his Civil Rights Complaint Under Oregon Tort Claims and 28 U.S.C. § 1983 on November 29, 2023. Attached hereto and incorporated herein as Exhibit 2 and Exhibit 3, respectively, are true and accurate copies of Plaintiff's Summons and Plaintiff's Complaint that were served on Defendant Hutchison. Defendant Thurman was served with Plaintiff's Summons and Complaint on November 5, 2023.

3. This Notice of Removal is timely filed with the Federal Court pursuant to 28 U.S.C. § 1446, which provides that "[t]he notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based[.]" *See also* 28 U.S.C. § 1446(b)(2)(B) (stating that "[e]ach defendant shall have 30 days after receipt by or service on that defendant of the initial pleading or summons . . . to file the notice of removal").

B. JURISDICTION OF THIS FEDERAL COURT

1. Plaintiff's Complaint asserts a total of eight claims for relief. Claim Five (Complaint ¶¶ 56-61), Claim Six (Complaint ¶¶ 62-65), Claim Seven (Complaint ¶¶ 66-68), and Claim Eight (Complaint ¶¶ 69-71), are all federal claims, brought pursuant to 42 U.S.C. § 1983.

2. The Complaint's other three claims, Claim One (Complaint ¶¶ 39-43), Claim Two (Complaint ¶¶ 44-46), and Claim Three (Complaint ¶¶ 47-49) are all state law claims.

3. This Federal Court has original jurisdiction over Plaintiff's five federal claims pursuant to 28 U.S.C. §§ 1331 and 1441(a), and has supplemental jurisdiction over Plaintiff's three state law claims pursuant to 28 U.S.C. §§ 1367(a) and 1441(c).

C. REMOVAL TO THIS FEDERAL COURT IS PROPER

1. Pursuant to 28 U.S.C. §§ 1441(a) and (c), and 1446(a), removal of the State Case to this Federal Court is appropriate and proper, and venue in this Federal Court is proper.

2. As demonstrated by the State Court's ROA that is attached hereto as Exhibit 1 and

mentioned in paragraph A.1 above, the other named defendant has not been served in the State Case. As such, the consent of this unserved defendant is not required pursuant to 28 U.S.C. § 1446(b)(2)(A).

3. Pursuant to 28 U.S.C. § 1446(d), a true and accurate copy of this Notice of Removal will be promptly served on Plaintiff and the Clerk of the Court for the State Court.

WHEREFORE, Notice of Removal of Plaintiff's action in the Multnomah County Circuit Court to this U.S. District Court for the District of Oregon is hereby given.

DATED: November 30, 2023

PORTLAND CITY ATTORNEY'S OFFICE

/s/ Mike Porter

Mike Porter, OSB #211377

Sr. Deputy City Attorney

Email: mike.porter@portlandoregon.gov

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*Of Attorneys for Defendants Thurman and
Hutchison*

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2023, I served or caused to be served a true and correct copy of the foregoing **NOTICE OF REMOVAL** on the interested parties in this action as follows:

JESSE MERRITHEW NOAH HORST Levi Merrithew Horst PC 610 SW Alder Street, Suite 415 Portland, OR 97205 <i>Of Attorneys for Plaintiff Gregg</i>

- ☒ by **mail** in a sealed envelope, with postage fully prepaid, and deposited with the U.S. Postal Service in Portland, Oregon.
- ☐ by **hand delivery**.
- ☐ by **facsimile transmission**.
- ☐ by **email**, based on an agreement of the parties to accept service by e-mail or electronic transmission.
- ☐ by **electronic service** via the Court's CM/ECF electronic filing system for registered users.

DATED: November 30, 2023

/s/ Mike Porter

MIKE PORTER, OSB #211377
Sr. Deputy City Attorney
Telephone: (503) 823-4047
*Of Attorneys for Defendants Thurman and
Hutchison*